

REMARKS**Status of the Claims**

Upon entry of the amendment above, claims 1-38 will be pending, claims 1, 2, 3, 4, 6, 7, 16, 17, 22, 23, 37, and 38 being independent.

Summary of the Office Action

Claims 1, 2, 6, 7, 8, 10, 11, 12, and 15 are rejected under 35 USC §102(b) as being anticipated by GURLEY (U.S. Patent No. 4,750,760).

Claims 3 and 5 are rejected under 35 USC §103(a) as being unpatentable over GURLEY in view of LENHART (U.S. Patent No. 6,139,060).

Claim 9 is rejected under 35 USC §103(a) as being unpatentable over GURLEY in view of CHO (U.S. Patent No. 6,305,051).

Claims 13, 14, and 16-20 are rejected under 35 USC §103(a) as being unpatentable over GURLEY in view of LENHART (U.S. Patent No. 5,887,282).

Claim 4 is identified as containing allowable subject matter, although it is objected to for depending from a rejected claim.

Response to the Office Action**A. Withdrawal of §102(b) Rejection Based Upon GURLEY**

Applicants kindly request that the rejection of claims 1, 2, 6, 7, 8, 10, 11, 12, and 15 based upon an anticipation of GURLEY, under 35 USC §102(b), be reconsidered and withdrawn.

Whereas the first Office action in the parent application had relied primarily upon CHO (U.S. Patent No. 6,305,051) in rejecting certain ones of Applicants' claims, the Office action to which Applicants here respond relies primarily upon GURLEY.

For the purpose of addressing the rejection, Applicants have below contrasted GURLEY's disclosure vis-à-vis two particular types of limitations that appear in the rejected claims. These limitations are the following: (1) the thumb support of the claimed invention cooperates with the first phalanx (*i.e.*, "proximal" phalanx) of the user's thumb, and (2) the grip of the claimed invention allows rotation of the hand relative to the grip.

1. Thumb Support Cooperates with First Phalanx of the Thumb

Independent claims 1, 6, and 7 refer to the thumb support as for providing an axially directed force by the *proximal phalanx of the thumb*.

During the prosecution of the parent application (leading to the issuance of U.S. Patent No. 6,637,773), Applicants had argued that CHO does not clearly describe/disclose a support that engages the *proximal* phalanx of the thumb.

Applicants respectfully submit that, similarly, GURLEY does not appear to do so. The rejection refers to reference numeral 16 of GURLEY as corresponding to Applicants' claimed support for the proximal phalanx of the thumb.

There appears to be no explicit description in the text of GURLEY that the part 16 is intended to support the proximal phalanx of the thumb, nor that part 16 would even *likely* support the proximal phalanx of the thumb.

GURLEY's Fig. 2 schematically illustrates a thumb in broken lines, which Applicants submit supports the position that the thumb support supports the *distal* phalanx rather than the *proximal* phalanx.

To make Applicants' position more emphatic in this regard, they have added new claims 22, 23, 24, which depend from independent claims 1, 6, and 7, respectively, which specify such *proximal* phalanx support when "the user's hand is closed upon the grip handle during use of the pole."

In addition, Applicants have added new claims 25, 26, 27, which also depend from claims 1, 6, and 7, respectively, which specify that the thumb support has a width, that extends along the peripheral wall (or side wall) of the handle, sufficiently wide to support only the proximal phalanx of the thumb of the user. That is, it cannot support both the proximal and the distal phalanx.

In addition, the rejection references GURLEY's element 16 as corresponding to Applicants' claimed thumb support (rather than, say, element 19 of GURLEY).

Element 16 of GURLEY is identified by GURLEY as a "thumb guard" that extends *upwardly* from the inner side of the thumb support surface 18 of the thumb support 19. See column 3, lines 11-13.

In this regard, Applicants have added new claim 21, which depends from rejected claim 6, which specifies that the thumb support includes an "upwardly facing surface ...". By contrast, the surface of element 16 of GURLEY would face sideways.

The foregoing comments apply particularly to independent claims 1, 6, and 7, which are rejected by GURLEY, alone. Independent claim 2, which does not include the above-mentioned "proximal phalanx" limitation, is also rejected on GURLEY alone; claim 2 is addressed below.

2. Rotation of the Hand Relative to the Grip

Independent claim 2 includes the limitation that the thumb support enables "transmission of an axially directed force to the pole with a thumb of the hand of a user, *while allowing a mutual rotation of said peripheral wall between the hand of the user and said peripheral wall* about an axis extending through said peripheral wall." (Independent claims 3, 16, and 17 also include this limitation as well as other limitations, whereby reliance is had upon GURLEY and other references, as noted below.)

In the aforementioned parent application, Applicants had argued that CHO promotes a firm grip on the handle and, therefore, the handle of CHO was not intended to allow rotation.

Similarly, Applicants submit that particularly because of the structure of the GURLEY grip includes a number of extensions 13, 14, 15, 16, for example, which are intended to protect/encase the hand, it would *not* have been an objective of GURLEY's to enable the rotation in the manner of Applicants' claimed grip.

In fact, the various overhanging pieces of the GURLEY grip create a hilt-like structure used in swords or rapiers, which would provide obstructions to movement of the hand relative to the handle.

Applicants acknowledge the examiner comments "as shown in Fig. 2" (see the bottom of page 2 of the Office action), regarding their claimed "rotation," but note that GURLEY describes no such rotation.

If the rejection were to be maintained, however, despite Applicants' respectful disagreement, attention is kindly directed to new claim 31, which depends from claim 2, which further specifies that the peripheral wall of the handle extends upwardly without an obstruction projecting outwardly from the peripheral wall above the thumb support.

By contrast, GURLEY's "mushroom shaped snow guard 20" (see, *e.g.*, column 2, lines 52+), would clearly present such an obstruction to rotation.

Applicants' Fig. 6b, *e.g.*, shows a diagram of the end of the impulse phase during use of the grip, whereby the hand is opened --- although still supported on the pole ---. With GURLEY, one or more of the extensions 13, 14, 15, 16 would inhibit such opening of the hand.

At least in view of the foregoing, reconsideration and withdrawal of the §102(b) rejection based upon GURLEY is kindly requested.

B. Withdrawal of §103(a) Rejection Based Upon GURLEY and LENHART '060

Applicants kindly request that the rejection of claims 3 and 5 as being unpatentable based upon a combination of GURLEY and LENHART '060, under 35 USC §103(a), be reconsidered and withdrawn.

Independent claim 3 includes the "allowing a mutual rotation ..." limitation that is found in claim 2. Therefore, Applicants request withdrawal of the rejection of claim 3 at least for the reasons given above with regard to claim 2. Further, if the Examiner were to find dependent claim 31 allowable, Applicants would consider an amendment which would add such subject matter relative to claim 3.

In addition to the subject matter of claim 2, claim 3 includes the limitation "said peripheral wall being curved upwardly and away from the user, as the grip handle is held during the sport activity."

By contrast, of course, the "peripheral wall" of the GURLEY grip extends essentially straight.

After reviewing the drawing figures of LENHART '060, Applicants submit that although the grip has surfaces that curve along its length, the grip itself, nevertheless, appears to extend essentially along a straight vertical axis.

To advance prosecution regarding claim 3, Applicants have presented an amendment which specifies that *the axis* of the peripheral wall is curved upwardly. Applicants submit that neither LENHART '060 nor GURLEY is fairly responsive to such limitation.

C. Withdrawal of §103(a) Rejection Based Upon GURLEY and CHO

Applicants kindly request that the rejection of claim 9 as being unpatentable based upon a combination of GURLEY and CHO, under 35 USC §103(a), be reconsidered and withdrawn.

Claim 9 depends from independent claim 7 (rejected as anticipated by GURLEY) and describes the thumb support as having a "rounded convex upper surface." CHO's Fig. 6 is relied upon as providing a suggestion that the grip of GURLEY could be modified to include such a surface.

Applicants request that the rejection of claim 9 be withdrawn at least for the reasons given above regarding parent claim 7. Specifically, as mentioned above, Applicants submit that GURLEY does not fairly teach or suggest the limitation pertaining to the proximal phalanx support. In addition, despite any relevance CHO might have regarding the subject matter of claim 9, CHO does not remedy the deficiency of GURLEY regarding proximal phalanx support.

D. Withdrawal of §103(a) Rejection Based Upon GURLEY and LENHART '282

Applicants kindly request that the rejection of claims 13, 14, and 16-20 as being unpatentable based upon a combination of GURLEY and LENHART '282, under 35 USC §103(a), be reconsidered and withdrawn.

In the prosecution of the parent application LENHART '282 was relied upon as suggesting a modification of CHO to include a connecting mechanism in claims that are similar to those now rejected over a combination of GURLEY and LENHART '282.

Similar to CHO in this regard, GURLEY fails to teach or suggest a wrist strap or related connecting mechanism, as stated in this rejection.

As with regard to the combination of CHO and LENHART '282, Applicants submit that there would have been no suggestion to modify GURLEY with any teaching from LENHART '282. For example, the integrated strap/glove of LENHART '282 itself provides for an improved force-transmitting feature for a skier and, therefore, there would have been no motivation to further use the structure disclosed by GURLEY.

In the present case, Applicants submit that the purported obviousness of the GURLEY and LENHART '282 is less tenable.

That is, in column 3, lines 39-41, GURLEY states that "The traditional straps that go around the back of the hand are replaced by the overhanging part 13 on the outer side of the grip 10."

Thus, GURLEY explicitly teaches away from the use of a wrist strap. Accordingly, one skilled in the art would *not* employ a wrist strap with the GURLEY grip, particularly when GURLEY explains that the downwardly extending, partly enveloping part 13 performs the role of the wrist strap.

Concerning independent claims 16 and 17, the rejection includes the allegation that the connection provided by the hypothetical modified grip of GURLEY would allow a rotation of the grip while maintaining a connection between the hand of the user and the grip handle.

For reasons mentioned in connection with claims 13 and 14, above, the rejection of claims 16 and 17 (and dependent claims 18-20) should be withdrawn.

In addition, claims 16 and 17 have been amended to specify that the side wall extends upwardly *without an obstruction projecting outwardly from the side wall above said thumb support*. As mentioned above, GURLEY clearly provides for obstructions to such rotation.

E. New Claims

Above, Applicants have mentioned certain ones of the newly presented claims.

In addition to those mentioned, Applicants summarize here others.

New claims 28, 29, and 30 specify that the thumb support surface extends away from the side wall along a substantially straight line to a remote end of the thumb support surface. This limitation appears, *e.g.*, in various ones of the drawing figures. A distinction being made in

these claims is with GURLEY's hand protection structures. For example, GURLEY includes an upwardly extending thumb guard at the remote end of the thumb support. GURLEY's Figs. 5 and 6, therefore, clearly show that the surface (which includes that which is at the end of the lead line for reference numeral "18") extends outwardly and then abruptly upwardly.

Claims 32, 35, and 36 depend from claims 3, 6, and 7, respectively, and specify (like claims 16 and 17 above) that the peripheral wall extends upwardly without an obstruction projecting outwardly from the peripheral wall above the thumb support. GURLEY provides obstructions to such rotation.

Claims 33 and 34 depend from claims 6 and 7, respectively, and specify that the thumb support surface extends away from the side wall along a substantially straight line to a remote end of the support. In contrast, as mentioned above, with GURLEY, the thumb support extends outwardly and abruptly extends upwardly at the thumb guard 16.

New independent claims 37 and 38 correspond to claims 16 and 17, respectively, but additionally call for "unobstructed rotation" of the hand relative to the grip handle, contrary to the obstructions that are provided by GURLEY's grip.

SUMMARY AND CONCLUSION

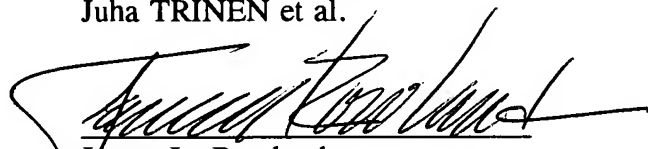
The grounds of rejection advanced in the Office action have been addressed and are believed to be overcome. Reconsideration and allowance are respectfully requested in view of the amendment and remarks above.

A check is enclosed for payment of a claim fee. No additional fee is believed to be due at this time. However, the Commissioner is authorized to charge any fee required for acceptance of this reply as timely and complete to Deposit Account No. 19-0089.

Further, although no extension of time is believed to be necessary at this time, if it were to be found that an extension of time were necessary to render this reply timely and/or complete, Applicants request an extension of time under 37 CFR §1.136(a) in the necessary increment(s) of month(s) to render this reply timely and/or complete and the Commissioner is authorized to charge any necessary extension of time fee under 37 CFR §1.17 to Deposit Account No. 19-0089.

Any comments or questions concerning this application can be directed to the undersigned at the telephone or fax number given below.

Respectfully submitted,
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October 22, 2004
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